

**REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-29 in the application. In previous responses, the Applicant added Claims 30-33 and amended Claims 1, 5, 11, 21-22, and 30-33. The Applicant filed a Request for Reconsideration (RCE) and amended Claims 1, 8, 11 and 15 and canceled Claims 21-33. Presently, the Applicant amends Claims 1, 7, 11 and 17 without prejudice or disclaimer, and presents new Claims 34 -37 for examination. Support for the amendments may be found, *e.g.*, on page 7 lines 6-7, and page 7 line 20 through page 8 line 6 of the Application as filed. Accordingly, Claims 1-20, 34 and 35 are currently pending in the application.

**I. Rejection of Claims 1-20 under 35 U.S.C. § 103**

The Office has rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,636,505 to Wang, *et al.* (“Wang”) in view of U.S. Patent No. 6,091,713 to Lechleider, *et al.* (“Lechleider”). The applicant respectfully traverses the rejection in view of the amendments provided herein.

The combination of Wang and Lechleider, as applied in the Office Action, fails to teach or fairly suggest at least one element of Claims 1 and 11 as amended. In particular, the combination as applied fails to teach the elements recited in Claim 1, *e.g.*, “making automation agent software available to the user, the automation agent software configured to establish a dialog with an automation server; extending an offer via said dialog to form a contract for the broadband service”, and “receiving an acceptance of the offer from the user, thereby forming a contract for said broadband service.” Claim 11 includes similar elements not taught or fairly suggested by the

combination as applied. Because the asserted combination fails to teach or fairly suggest each and every element of Claims 1 and 11, the claims are allowable over the combination. Claims 2-10 and 12-20, depending from allowable base claims, are also allowable.

Accordingly, the combination of Wang and Lechleider as applied fails to support a *prima facie* case of obviousness under 35 U.S.C. § 103(a). The Applicant therefore respectfully requests that the Office withdraw the rejection.

## **II. New Claims 34-37**

The Applicant respectfully submits that the references as applied fail to teach or fairly suggest at least one element of Claims 34-37. Accordingly, the Applicant respectfully requests allowance of these claims.

### **III. Conclusion**

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20, 34-37.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

**HITT GAINES, PC**

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